

**Public Act 302 of 1982, as amended**



**MCOLES**  
Michigan Commission on Law Enforcement Standards

**2012**  
**LAW ENFORCEMENT DISTRIBUTION**  
**GUIDELINES**

STATE OF MICHIGAN  
Michigan Commission on Law Enforcement Standards  
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**Michigan Commission on Law Enforcement Standards  
2012 Law Enforcement Distribution Guidelines**

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## I. INTRODUCTION

### ***Statutory Authority***

In October of 1982, two laws were enacted that initiated a statewide criminal justice in-service training effort in Michigan.

Public Act 301 of 1982, created the Michigan Justice Training Fund. This revenue is generated through fine assessments which are levied and collected by the courts and submitted to the Michigan Department of Treasury for deposit in the Justice System Fund. A percentage of Justice System Fund revenue is then transferred to the Michigan Justice Training Fund on a monthly basis. Both the Justice System Fund and the Justice Training Fund are interest-bearing accounts. Interest is posted to each account quarterly.

Public Act 302 of 1982, (referred to as 'the Act' throughout these guidelines) created the Michigan Justice Training Commission and set forth the responsibilities of that board for the administration of the Michigan Justice Training Fund.

### ***Executive Order***

Under Executive Order 2001-5, Governor John Engler combined the Michigan Justice Training Commission and the Commission on Law Enforcement Standards creating the Michigan Commission on Law Enforcement Standards (MCOLES). This Commission is a Type I board within the Department of State Police. Effective November 1, 2001, all the statutory authority, powers, duties, functions and responsibilities of the Michigan Justice Training Commission were transferred to the reconstituted MCOLES.

The Commission's responsibilities under the Act are to: a) annually distribute 60% of the Justice Training Fund to eligible entities under the law enforcement distribution (LED), and b) annually distribute, through a competitive grant process, the balance of the fund after administrative costs have been deducted. These guidelines will focus on the LED program.

## II. PURPOSE

As mandated by the Act, the purpose of the LED program is to annually distribute Justice Training Funds to eligible agencies for in-service criminal justice training of their MCOLES licensed law enforcement officers.

For the purposes of the LED program, ***in-service criminal justice training*** means a criminal justice educational program presented by an agency or entity eligible to receive funds pursuant to the Act or by a contractual service provider hired by the agency or entity eligible to receive funds pursuant to the Act, including a course or package of instruction provided to an eligible trainee for the payment of a fee or tuition, or education or training presented through the use of audiovisual materials, which program, education, or training is designed and intended to enhance the direct delivery of criminal justice services by eligible employees of the agency or entity.

### III. ELIGIBILITY

Any Michigan city, village, township, county, junior college, community college, state supported college or university, or the Department of State Police is eligible to receive LED funding. Only MCOLES licensed law enforcement officers, employed by an eligible entity, are eligible trainees under this program.

The Act also requires that an eligible agency shall submit an annual registration to establish or maintain eligibility to receive a distribution of justice training funds. Annual eligibility is determined by several factors.

- 1) Registration: A complete and accurate registration shall be submitted, in the manner prescribed by the Commission, on or before the established deadline.
- 2) Report of Expenditures: A complete accounting of expenditures, charged to LED funds during the prior calendar year, shall accompany the annual registration in the manner prescribed by the Commission. You must register your expenses regardless of whether funds were used or not.
- 3) Maintenance of Effort (MOE): It is the intent of the Act to provide supplemental funding, not replace local funding, for in-service criminal justice training. To ensure compliance with this intent, the amount of local funds budgeted annually by the local unit of government for in-service training shall be equal to, or greater than, the amount budgeted for in-service training on October 12, 1982, or the first year of program participation.
- 4) Roster of Officers: The law enforcement agency shall employ a minimum of one full-time equated (FTE) officer for the calendar year prior to which the registration is submitted. Effective with the 1995 registration, a roster of licensed officers shall be provided in a manner prescribed by the Commission.
- 5) Two-year Expenditure Period: Effective with the 1990 distribution, recipient agencies are required to expend their entire annual distribution within two calendar years of the year of distribution. For example, LED funds received during 2012 must be expended prior to December 31, 2014. If the distribution is not expended within this time frame, the agency will be ineligible to receive any additional LED funding until the balance is expended and reported to the Commission.

Licensure is issued by the Commission under 1965 P.A. 203, as amended. Any officer found not to be in compliance with the requirements shall be ineligible for the law enforcement distribution. Therefore, it is the law enforcement agency's responsibility to verify that each law enforcement officer registered for the law enforcement distribution meets the requirements of Act 203 in one of the following manners:

- election to the office of sheriff;
- employment by a law enforcement agency as a fully empowered law enforcement officer prior to January 1, 1977, with no break in employment in excess of two years, since January 1, 1977; or
- employment by a law enforcement agency as a fully empowered law enforcement officer after January 1, 1977, having complied with all the selection, employment,

training, or waiver of training standards of Public Act 203 of 1965, as amended, which were in place at the time of initial employment, and with no break in employment in excess of the time periods permitted under section 9 of Act 203.

### ***Non-Discrimination***

Government units receiving money distributed under the Act, and any person or contractor performing services funded by such money, shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status in violation of Act 220 of the Public Acts of 1976, as amended.

Upon certification of the Michigan Civil Rights Commission that a violation of these nondiscrimination requirements has occurred, a government unit's right to receive money under the Act may be suspended, terminated, or conditioned in any appropriate way that is consistent with the circumstances of the case.

### ***Non-Compliance***

Non-compliance with the provisions of these guidelines shall result in a forfeiture of law enforcement distribution funding.

## **IV. FISCAL RESPONSIBILITIES**

All recipients of LED funds agree to maintain records documenting ***annual calendar year*** LED expenditures in compliance with generally accepted accounting principles, to permit inspection of these records, and to cooperate with any audit requested or authorized by the local unit of government or the Commission. An agency receiving funds under this Act shall report annually to the Commission on the forms and in the manner prescribed by the Commission. Failure to report the required information shall result in ineligibility to receive LED funds.

A separate accounting of LED funding and expenditures independent of local in-service training funds, must be maintained and reported for each calendar year. Beginning with the 1990 distribution, amendments to the Act require that each agency expend the entire annual distribution within ***two calendar years*** of the year of distribution. Therefore, training costs, supplies, and equipment purchases shall be assigned to the oldest funds available regardless of the year purchased.

The following expenditures are eligible for LED funding in accordance with the mandate, effective January 1, 2004, requiring that all training courses being provided to in-service law enforcement officers in Michigan be registered in the MCOLES Information and Tracking Network prior to the training being conducted, whether being provided by a Michigan based or out-of-state private or public vendor, as well as training offered by an agency for specific, in-house agency purposes.

**Allowable:**

- **Hourly salaries** of instructors for the actual time spent preparing and presenting training, subject to the supplanting restrictions.
- **In-state travel expenses** for training programs outside of a 50 mile radius from the worksite or home (whichever is closer).
  - Meals, lodging and mileage are approved at Civil Services rates during the year of expenditure. (Further travel regulations are outlined on page 6)
- Expenditure of LED funds for **tuition costs** for out-of-state training courses is allowable provided that the requesting law enforcement agency submits an Out-of-State Special Use Request to the Commission and the course was MCOLES registered through the MCOLES Information and Tracking Network prior to the training dates.
- Expenditure of LED funds for **registration only** for out-of-state conferences or conventions provided the requesting law enforcement agency submits an Out-of-State Special Use Request to the Commission and is granted approval prior to attending the conference or convention. All other costs associated with the conference or convention must be covered by other funds.
- A **consortium fee** for law enforcement training attended. Consortium fees paid shall be reported per class attended. If the actual cost of each course is not provided, the agency shall equally divide the consortium fee by the number of courses attended.
  - If a consortium fee was paid, but agency employees were not able to attend, please contact the Grants Manager for further instruction.
- The **reasonable rental costs for the use of a training facility** for in-service training, **if** facilities owned or occupied by an eligible entity are either not available or are inappropriate due to the nature of the training.
- The **actual cost of purchasing or leasing training materials** used to assist trainees in understanding in-service training topics. Items such as: training manuals, tests, evaluations.
- The **reasonable rental cost or the purchase price of equipment** used exclusively for the direct delivery of in-service training; however, expenditures for purchase shall not be more than the total of 10% of the annual distribution, nor may any single item be more than \$5,000.00, without prior approval of the Commission. Equipment costs less than \$300 shall be reported as a Supplies and Operating expense.
  - The Equipment Special Use Request form is available on-line. (Further equipment information is outlined on page 7)

- A **flat rate or tuition paid to a contractual training provider** hired by an eligible entity. The payment shall be in compliance with policies established by the Commission.
- **Web-based programs, CDs, DVDs**, or other such instructional media that are based upon passive or interactive learning. Funding is limited to \$1,000 or 10% of the annual distribution, whichever is less.
- **Automated firearms training systems** that simulate deadly force decision-making circumstances.

**Unallowable:**

1. Expenditures for salaries of trainees.
2. Meal and lodging for expenditures in excess of the per diem meal expenditures authorized for civil service employees. In cases where charges for meals and lodging exceed the allowable rate, the grantee may utilize other funding sources to cover the additional charge.
  - The Commission will not authorize the use of justice training funds for travel costs to participate in criminal justice training unless the criminal justice training program is for the sole purpose of training or offers not less than 6 hours of qualifying training within any 24-hour period.
3. Criminal justice training not located in this state, unless the training event has first been approved by the Commission and is registered in MITN, as noted above.
4. Criminal justice training in another country.
5. The purchase of firearms.
6. Purchase of alcoholic liquor.
7. Purchase of refreshments.
8. The publication of a newsletter.

## ***Travel Regulations:***

Mileage Restriction: Travel expenses shall not be charged for mileage or lodging where training occurs within 50 miles, by standard mileage charts, of the home or work site, whichever is closer. An exception may be allowed for those persons who work or reside within a radius exceeding 25 miles of the training site when a minimum of two hours of training occurs following the evening meal.

Air Travel (in-state only): The use of commercial airlines is permitted when it is advantageous based on comparative travel costs and the time of the traveler. Justice training funds may not be used to purchase first-class airfare.

Vehicle Mileage: Mileage expenses will be allowed at a rate not to exceed the maximum allowable rate specified in the current Rate Schedule.

Toll Charges: Toll charges and bridge fees are allowable.

Taxi: Necessary taxicab fares between the work station, terminal and meeting site are allowable.

Parking: Parking charges, at the most economical rate available, is allowable.

Meal Allowance: Lodging and meals shall conform to the published rates of the Commission as provided by the Act. In those cases where charges for lodging and meals exceed the allowable rate, the grantee may utilize other funding sources to cover the additional charge. The maximum daily meal allowances are indicated in the current Rate Schedule. Trainee meals will only be allowed when training occurs both before and after the meal, or the trainee is otherwise eligible for meals due to lodging.

Lodging Rates: The maximum daily lodging allowances are indicated in the current Rate Schedule. Actual lodging expenses paid, not to exceed the maximum, plus any applicable sales or use tax, are reimbursable.

Tips: Tips are allowable only where porter service is regularly provided and necessary to handle multiple bags and equipment. All other fees and tips to waiters, porters, and bellboys, charges for cleaning and pressing clothing, and similar personal expenses are not allowable as reimbursable expenses.

Select Cities: Specific travel rates have been established for "select" cities.



**Michigan Commission on Law Enforcement Standards  
Law Enforcement Distribution**

***Schedule of Travel Rates*  
Effective January 1, 2012**

Michigan Select Cities	
Breakfast	\$8.75
Lunch	\$8.75
Dinner	\$21.00
Lodging	\$65.00 plus tax
 In-State All Other Cities	
Breakfast	\$7.25
Lunch	\$7.25
Dinner	\$16.50
Lodging	\$65.00 plus tax
 Group Luncheons	\$10.25
 Standard Mileage Rate	\$ .390 per mile

<b>MICHIGAN SELECT CITIES</b>	<b>COUNTIES</b>
Ann Arbor, Detroit	All of Wayne
Holland, Mackinac Island	All of Oakland
Pontiac, Auburn Hills, South Haven	

### ***Disposition of Equipment***

For the purposes of LED funding, to be defined as “equipment” an item shall: 1) be directly involved in the delivery of in-service criminal justice training; 2) be personal property (as distinguished from real property) such as machines, audio/video and computer hardware, etc.; 3) have a normal useful life of more than one year; 4) not become a fixed part of a building or structure; and 5) have a purchase price of \$300 or more.

Equipment purchases approved by the Commission may be retained by the recipient agency as long as the equipment is used for the provision of in-service criminal justice training.

When equipment is no longer used for the provision of in-service criminal justice training, the recipient agency shall notify the Commission to request disposition. The Commission may select one of the following actions:

- a. Transfer of the equipment to another training program. Costs of the transportation of the equipment will be borne by the receiving agency.
- b. Approve the sale of the equipment, with the arrangements for the sale to be made by the agency possessing the equipment. The agency will be allowed to retain 10% of the receipts from the sale; the remainder shall be returned to the Justice Training Fund.
- c. Dispose of the property in any other manner consistent with the purposes of the Act, as amended.

## **V. SPECIAL USE REQUESTS**

### ***Out-of-State Special Use Requests***

The Act contains specific mandates relative to the expenditure of Justice Training Funds for out-of-state training. The intention is, of course, that justice training funds be expended primarily within the state of Michigan to purchase services and materials from Michigan vendors whenever possible. To ensure compliance with these mandates, the Commission adopted the out-of-state special use request approval policy.

The policy states that the Commission will not fund any out-of-state criminal justice training program, unless all reasonable efforts to locate a similar training program in this state have been exhausted, and the Commission is satisfied that a similar training program is not available in this state.

It is the eligible entity's responsibility to make every reasonable effort to locate a Michigan based provider prior to requesting special use approval. At a minimum, the applicant shall contact a statewide provider (e.g., the Michigan State Police or the Michigan Municipal League), local or regional providers (e.g., community colleges or universities), and consult the MCOLES Schedule of Training Courses. The Schedule contains information about in-service criminal justice training programs offered in Michigan and is published on the MCOLES website ([www.michigan.gov/mcoles](http://www.michigan.gov/mcoles)).

If it is found that the required in-service training is not available in Michigan, the agency shall submit an Out-of-State Special Use Request which includes an explanation of the contacts made and

justification for selection of the out-of-state training program. Out-of-state requests are categorized into two groups for Commission action as indicated below.

- **Agency Approval.** An individual agency requests approval to send eligible trainees to out-of-state training to provide the training. These requests will be acted upon individually.
- **Blanket Approval.** The Commission will give blanket approval, when requirements are met, for attendance by all agencies at annual conferences, e.g., NSA, IACP, MSA, and MACP. It is the responsibility of the Commission staff to publicize these approvals, and to monitor compliance with the policy regarding the 6:24 ratio for actual hours of training. These approvals will be for the payment of registration fees only. All other costs associated with the conference or convention must be paid by other funds.

### ***Equipment Special Use Requests***

The Administrative Rules for Public Act 302 of 1982, as amended, state that the expenditure of funds under this Act for the purpose of equipment purchases must be approved by the Commission when total equipment purchases exceed 10% of the agency's annual distribution, or when the purchase price of a single equipment item equals or exceeds \$5,000.

### ***Special Use Request Approval Process***

The forms used to request Commission approval for the special use of LED funds, as outlined above, are the *Out-of-State Special Use Request* (MJT-511) and the *Equipment Special Use Request* (MJT-512). These forms are available on the MCOLES website. Both types of requests require **PRIOR** approval. Written notification of Commission action will be returned to the requesting agency.

Each approval is assigned a unique special use request processing number. This number is noted on the written notification and is also required as proof of approval on the annual LED expenditure report. All host approval numbers are published for reference on the MCOLES website.

### **Definitions**

Conference - A prearranged formal meeting of a group of people from an organization, association or profession, for the purpose of discussion or consultation of a specific topic.

Convention - A prearranged, periodic assembly of a group of people from an organization, association or profession, for the purpose of exchanging information

Group Meeting - A prearranged meeting of a group of people for the purposes of conducting training, workshops, or seminars.

## APPENDIX A - DEFINITIONS

**"Act"** means Act No. 302 of the Public Acts of 1982, as amended.

**"Commission"** means the Michigan Commission on Law Enforcement Standards (MCOLES).

**"Criminal justice education program"** means a learning experience produced through reading, listening, observing, performing problem-solving, or interacting with others, the object of which is the introduction or enhancement of knowledge, skills, and judgment related directly to the performance of professional criminal justice tasks currently assigned or assignable.

**"Direct delivery of criminal justice services"** means the execution of the duties of line law enforcement officers provided to the general public (e.g., traffic enforcement, first aid, investigation, or community policing and problem solving) and the execution of administrative tasks which enhance the abilities of line officers to provide direct delivery of criminal justice services.

**"Distribution"** means the amount distributed to law enforcement agencies, in two payments, from the Fund within one calendar year, under the provisions of Section 3(a) of the Act.

**"Equipment"** means, for the purposes of the Act, an item that is used only for the delivery of in-service training, and is personal property (as distinguished from real property), such as machines, audio/video and computer hardware, etc., and has a normal useful life of more than one year, and has a purchase price of \$300 or more.

**"Fund"** means the Michigan Justice Training Fund.

**"In-service criminal justice training"** means a criminal justice educational program presented by an agency or entity eligible to receive funds pursuant to this act or by a contractual service provider hired by the agency or entity eligible to receive funds pursuant to this act, including a course or package of instruction provided to an eligible trainee for the payment of a fee or tuition, or education or training presented through the use of audiovisual materials, which program, education, or training is designed and intended to enhance the direct delivery of criminal justice services by eligible employees of the agency or entity.

**"Law enforcement officer"** means an individual who is continuously employed and paid by a police force as a law enforcement officer who is responsible for the prevention and detection of crime and empowered to enforce all of the general criminal laws of this State.

**"MCOLES licensed officer"** means a person who has met all of the selection, employment, training, or recognition of prior training and experience standards of Public Act 203 of 1965, as amended, and who is licensed by the Michigan Commission on Law Enforcement Standards.

**"Paid"** means monetary compensation at not less than the federal minimum wage established in the Fair Labor Standards Act of 1938, as amended; 29 U.S.C. §206.

**"Report period"** means the calendar year, beginning January 1, through December 31, during which reported activity occurred.